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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.230 OF 2007

Mr. Rahimatulla Bahadur Shaikh ... Petitioner

Vs.

The State of Maharashtra ... Respondent

Mr. V.T. Tulpule i/b Mr. Rakesh Bhatkar for the petitioner.

Mr. M.S. Mhambre, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA, JJ.

DATED : 6TH MARCH, 2007.

P.C.:-

1. We have heard Mr. Tulpule, the learned counsel appearing for the petitioner. Mr. K.S. Sawant attached to the Agripada Police Station is present in the court. He states that the petitioner was called to Agripada Police Station only during the election period and, as on today, the police do not want him. This statement is accepted and recorded.

2. So far as the grievance of the petitioner that the officers of the Worli Police Station are not registering the FIR is concerned, the learned A.P.P. has

drawn our attention to the affidavit filed by Mr. Krishnat Dadasaheb Kapse, Sub-Inspector of Police, attached to the Worli Police Station. We have perused the affidavit filed by Mr. Kapse. It appears to be the stand of the officers of the Worli Police Station that preliminary inquiry was conducted on the application of the petitioner and the police have concluded that the petitioner' sapplication is baseless.

3. In the circumstances, in our opinion, the petitioner may, if he so desires, file a private complaint. Mr. Tulpule, the learned counsel for the petitioner states that the petitioner shall file a private complaint. If such a private complaint is filed, the learned Magistrate seized of the same shall deal with it in accordance with law. We make it clear that we have not expressed any opinion on the merits of the case of either side. Petition is disposed of.

[SMT. RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]